

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

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2015 Legislative

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE TRANSPORTATION COMMITTEE

Date: Wednesday, February 4, 2015
Place: Capitol

Time: 3:00 PM
Room: 455

BILLS and RESOLUTIONS HEARD:

HB 304 - Increase penalty for blocking a public road - Rep. Mitch Tropila
HB 346 - Revise laws related to highway by-pass requirements - Rep. Clayton Fiscus
SB 117 - Generally revise Montana rail service competition council - Sen. Bruce Tutvedt

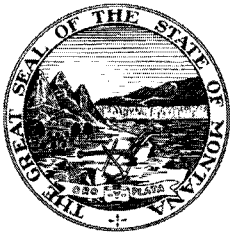
EXECUTIVE ACTION TAKEN:

HB 229 Do Pass as Amended

Comments:



REP. Steve Lavin, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL

DATE Feb-4, 2015

NAME	PRESENT	ABSENT/EXCUSED
REP. STEVE LAVIN, CHAIRMAN	✓	
REP. CHRISTY CLARK, VICE CHAIR	✓	
REP. NANCY WILSON, VICE CHAIR	✓	
REP. ROB COOK	✓	
REP. WILLIS CURDY	✓	
REP. CLAYTON FISCUS	✓	
REP. FRANK GARNER		✓
REP. GEORGE KIPP III	✓	
REP. MARGIE MACDONALD		✓
REP. WENDY MCKAMEY		✓
REP. MIKE MILLER	✓	
REP. LEE RANDALL		✓
REP. BRIDGET SMITH	✓	
REP. KATHY SWANSON	✓	

14 MEMBERS



HOUSE STANDING COMMITTEE REPORT

February 4, 2015

Page 1 of 3

Mr. Speaker:

We, your committee on **Transportation** recommend that **House Bill 229** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative Steve Lavin, Chair

And, that such amendments read:

1. Title, line 4.

Strike: "THAT"

Insert: "WHEN "

2. Title, line 5.

Strike: "ONLY" through "EMERGENCY"

Following: " ; "

Insert: "AUTHORIZING RULEMAKING ; "

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, page 6.

Following: "46-5-502"

Insert: "AND 46-5-510"

4. Page 1, line 11.

Strike: "When" through "a"

Insert: "A"

5. Page 1, line 15 through line 16.

Strike: "Temporary" on line 15 through "purpose." on line 16

Insert: "A temporary roadblock may also be established in response to an active emergency.

(2)(a) A temporary roadblock may be established in an area where a significant number of known causal factors of motor vehicle accidents involving fatalities, injuries, or other

Committee Vote:

Yes 12, No 2

Fiscal Note Required ☐

HB0229001SC.hbb

ML
2/5/15
8:30AM

serious legal violations are known to have occurred. During a temporary roadblock, verification of a valid driver's license, vehicle registration, and insurance may be required.

(b) Whenever a law enforcement agency conducts a temporary roadblock under this subsection (2):

(i) the discovery of ordinary criminal activity that is purely incidental to the purpose of ensuring roadway safety may be prosecuted; and

(ii) secondary violations may not be enforced."

6. Page 1, line 17.

Strike: "(2) "Active"

Insert: "(3) The term "active"

7. Page 1.

Following: line 18

Insert: "Section 2. Section 46-5-510, MCA, is amended to read:

"46-5-510. Establishing temporary roadblock -- plan required -- exception. (1) A written plan for establishing a temporary roadblock pursuant to 46-5-502(2):

(a) must be designed by ~~supervisory officers within the law enforcement agency to ensure motorist safety, minimize motorist inconvenience, and prevent the arbitrary selection of vehicles by providing a schedule for the selection of vehicles to be stopped;~~

(b) must be approved in advance of conducting the roadblock by supervisory officers within the law enforcement agency who will not be present where a temporary roadblock is conducted;

(c) must ensure that a temporary roadblock is minimally intrusive and does not allow for unconstrained discretion by law enforcement agents performing the roadblock; and

(d) must include:

(i) the purpose of the temporary roadblock;

(ii) the location, date, and time at which the temporary roadblock will be conducted;

(iii) the pattern sequence of vehicles to be stopped;

(iv) a drawing that shows how the spot check will be established;

(v) a copy of the public service announcement to be used to advertise the temporary roadblock; and

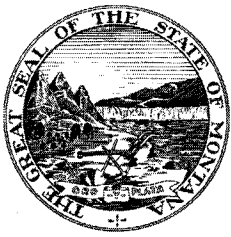
(vi) the names of the media to be notified of the temporary roadblock.

(2) All major media outlets in the area where the temporary roadblock is to be performed must be notified at least 48 hours prior to the scheduled temporary roadblock.

(3) This section does not apply to a roadblock established by a law enforcement agency pursuant to 46-5-502(1).

(4) The department of justice may adopt rules to implement the provisions of this part."

- END -



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 229

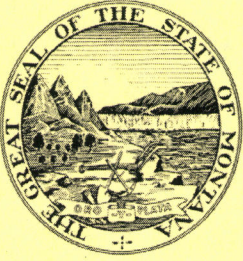
DATE Feb 4, 2015

MOTION To Pass as Amended

NAME	AYE	NO	PROXY
REP. CHRISTY CLARK, VICE CHAIR		✓	
REP. NANCY WILSON, VICE CHAIR	✓		
REP. LEE RANDALL	✓	✗	✓
REP. MARGIE MACDONALD	✓		
REP. CLAYTON FISCUS	✓		
REP. BRIDGET SMITH	✓		
REP. ROB COOK	✓		
REP. KATHY SWANSON	✓		
REP. MIKE MILLER		✓	
REP. WILLIS CURDY	✓		
REP. WENDY MCKAMEY	✓		
REP. FRANK GARNER	✓		
REP. GEORGE KIPP III	✓		
REP. STEVE LAVIN, CHAIRMAN	✓		

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14 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Transportation

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Christy Clark

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

HB 229	X	
HB 229 02 add		X
HB 229 05 amended	X	

BILL/AMENDMENT

AYE

NO

Rep.

(Signature)

See T. Rediff

Date

2/4/2015

February 4, 2015

ADDITIONAL DOCUMENTS



PO Box 595, Helena, MT 59624
406.443.3949

www.mtaudubon.org

HB 304: Increase penalty for blocking a public road
Sponsor: Rep. Mitch Tropilla
Committee: House Transportation

Chairman Lavin and Members of the Committee:

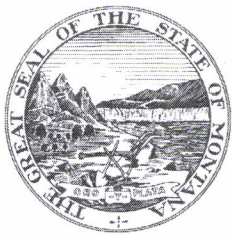
My name is Jake Troyer and I'm here representing the over 5,200 members of Montana Audubon in support of HB 304.

It is our mission is to promote the appreciation, knowledge and conservation of Montana's native birds, other wildlife, and natural ecosystems to safeguard biological diversity for current and future generations.

We are rising in support of Representative Tropilla's legislation for the following reasons:

1. It is unreasonable to expect the current penalty of \$10 per day to be a deterrent to someone who is considering gating or obstructing a public road. We feel a \$500 per day penalty could make a person reconsider willfully obstructing a public road. Passing this bill would put some teeth into the statue that needs more strength to be effective.
2. The process is clearly defined in the legislation how county commissioners and county employees address a locked gate and/or an obstruction, even if the encroachment is denied.

We urge a do-pass from the committee to the House floor. Thank you for your time today.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITORS REGISTER

TRANSPORTATION COMMITTEE

DATE Feb 4, 2015

BILL NO: H.B. 304

SPONSOR(S): Rep. Mitch Trovita

SHORT TITLE: Increase Penalty for Blocking a Public Road

Please leave prepared testimony with secretary.

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

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